

KAZEROUNI LAW GROUP, APC

Abbas Kazerounian, Esq. (SBN: 249203)

ak@kazlg.com

Jason A. Ibey, Esq. (SBN: 284607)

jason@kazlg.com

245 Fischer Avenue, Suite D1

Costa Mesa, California 92626

Telephone: (800) 400-6808

Facsimile: (800) 520-5523

HYDE & SWIGART

Joshua B. Swigart, Esq. (SBN: 225557)

josh@westcoastlitigation.com

2221 Camino Del Rio South, Suite 101

San Diego, CA 92108

Telephone: (619) 233-7770

Facsimile: (619) 297-1022

Attorneys for Plaintiff,

Carrie Couser

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CARRIE COUSER, on behalf of
herself and all others similarly
situated,

Plaintiff,

vs.

COMENITY BANK and DOES 1
through 10, inclusive, and each of
them,

Defendants.

Case No.: 12-CV-2484-MMA-BGS

**DECLARATION OF PATRICK M.
PASSARELLA
RE: COSTS ASSOCIATED WITH
ADMINISTRATION OF CLASS
ACTION SETTLEMENT**

1 I, Patrick M. Passarella, declare:

2 1. I am the Senior Vice President of Operations at Kurtzman Carson
3 Consultants LLC ("KCC"), located at 75 Rowland Way, Suite 250, Novato, California. I
4 am over 21 years of age and am not a party to this action. I have personal knowledge of
5 the facts set forth herein and, if called as a witness, could and would testify competently
6 thereto.

7 2. I have over 20 years of experience in class action settlement administration.
8 Over the course of my career, I have managed more than 500 class action settlements and
9 I am an expert in claims processing and class member communications.

10 3. KCC is a settlement administrator that specializes in providing
11 comprehensive class action settlement services including, but not limited to, pre-
12 settlement consulting, legal notification, email campaigns, contact center services,
13 website design, claims administration, check and voucher disbursements, tax reporting,
14 settlement fund escrow and reporting, class member data management, legal
15 notification, call center support, claims administration, and other related services critical
16 to the effective administration of class action settlements. KCC has developed efficient,
17 secure and cost-effective methods to handle properly the voluminous data and mailings
18 associated with the noticing, claims processing and disbursement requirements of
19 settlements to ensure the orderly and fair treatment of class members and all parties in
20 interest. Attached as Exhibit A is the firm bio for KCC.

21 4. KCC's business is national in scope. Since 2000, KCC (along with
22 Rosenthal & Company which was acquired by KCC in 2010) has been retained to
23 administer more than 1,500 settlements. As part of these settlements, KCC has provided
24 noticing solutions in cases with class members that range in numbers from 22 to over 22
25 million, and has distributed settlement payments totaling well over \$2 billion in the
26 aggregate.

27 5. The purpose of this declaration is to provide the Parties and the Court with
28

1 an estimation of the costs associated with administering this Settlement.

2 6. KCC was retained by the parties to, among other tasks, mail the double-
3 postcard Legal Notice of Proposed Class Action Settlement and Fairness Hearing and
4 Claim Form (the "Notice"), develop and maintain a settlement website, provide
5 automated phone support to class members, process claims submitted via website and
6 mail, and handle the distribution of funds to approved class members.

7 7. To supplement the direct notice effort, we will publish the Summary Notice
8 in the national edition of USA Today (1/8 page ad) and provide for 10 million unique
9 internet impressions on the 24/7 Real Media Network.

10 8. Based on the requirements as outlined in the Settlement Agreement and
11 assumptions made by KCC and the parties while preparing an estimate of costs, we
12 estimate that the approximate total costs associated with the administration will be
13 \$2,092,278 depending largely on the number of claims filed and transactional
14 assumptions made based on KCC's past experience and in discussion with the parties.
15 The parties have been provided with a proposal to this effect detailing the anticipated
16 costs.

17
18 I declare under penalty of perjury pursuant to the laws of the State of California
19 that the foregoing is true and correct to the best of my knowledge and that this declaration
20 was executed this 3rd day of September 2014 at Novato, California.


21
22 
23 _____
24 Patrick M. Passarella
25
26
27
28

EXHIBIT A

Class Action Services



KCC Provides Expert Settlement
Administration and Legal Notification
Services for Matters Related to:

- Antitrust
- Consumer
- Labor & Employment
- Securities
- Merger Litigation
- Government
- Mass Tort

DELIVERING A HIGHER STANDARD

KCC partners with Counsel to ensure high-quality, cost-effective notice and settlement administration services. Recognized by *The Recorder* as “The Best” Class Action Administrator, KCC has earned the trust and confidence of our clients with our track record as a highly-responsive partner.

With experience administering nearly 1,500 settlements, KCC’s team knows first-hand the intricacies of class action settlement administration. At the onset of each engagement, we develop a plan to efficiently and cost-effectively implement the terms of the settlement. Our domestic infrastructure, the largest in the industry, includes a 900-seat call center and document production capabilities that handle hundreds of millions of documents annually. In addition, our disbursement services team distributes more than \$250 billion annually.

KCC Class Action Services

PRE-SETTLEMENT CONSULTING

Prior to finalizing a settlement, KCC develops a comprehensive project plan that outlines a predictable and cost-effective settlement administration, including:

- Setting notice and claim timelines
- Establishing data gathering and management processes
- Designing a media and noticing plan strategy
- Developing a content-rich, case-specific website
- Handling of class member claims

SETTLEMENT FUNDS ESCROW

Our affiliate, Computershare Trust Company, N.A., has acted as the escrow agent for numerous litigation settlements and related matters. Our escrow services afford you:

- Seamless management of funds from deposit to disbursement
- Options for investments, including government-backed vehicles with interest rates that compare favorably with current market offerings
- Access to exclusive banking partnerships with A-rated financial institutions that have a Tier 1 capital structure of more than \$1 Billion
- A team that understands the nuances related to class action escrow administration

CLASS MEMBER DATA MANAGEMENT

KCC designs customized class member databases to facilitate efficient and cost-effective noticing. We work to:

- Translate and transfer class member data
- Import records into our case management system, KCC InSite
- Update class member records using proprietary address-locator services

200,000

CLAIMS PER DAY INTAKE CAPACITY

900

SEAT CALL CENTER

AVAILABLE

24/7

LEGAL NOTIFICATION

KCC's judicially-recognized experts provide defensible media campaigns and notice methods that achieve Federal and State compliance. Our team will:

- Develop media and noticing plan strategies, as supported by judicial opinions
- Conduct a demographic analysis to determine the most effective communication channels
- Design, draft and distribute plain-language notices that capture attention and are easily understood by class members
- Provide defensible opinions and testimony from subject-matter experts to verify the effectiveness of notice programs
- Develop a case-specific website to disseminate case information to class members

CALL CENTER SUPPORT

Our domestic call center is annually recognized for customer excellence and satisfaction. It includes 900 seats, trained specialists, communications in 27 languages and offers 24/7 support. Our call center allows you to:

- Establish a dedicated toll-free number to effectively address class member inquiries
- Track, record and report all inbound and outbound call center activity related to your case
- Deliver consistent messaging with scripted responses to ensure inquiries are addressed according to case developments
- Deploy Interactive Voice Response (IVR) systems to inform class members of important dates, distribute general case information or facilitate telephonic claims filing

CLAIMS ADMINISTRATION

KCC reviews and analyzes claims to verify all settlement agreement provisions have been satisfied. The team works closely with you to:

- Distribute customized claim forms
- Securely process hard copy, telephonic and online claims
- Employ OCR and mark-sensing technologies to reduce costs and processing time

DISBURSEMENT & TAX REPORTING

KCC manages settlement funds, facilitates the disbursement of funds to class members and coordinates necessary tax reporting.

Using our secure, cost-effective procedures, KCC can:

- Establish, manage and report on Qualified Settlement Funds (QSFs) accounts and escrows
- Disburse funds through check printing and mailing, automated clearing house (ACH) transfers and volume wire transfers in USD and local currencies
- Clear checks using "positive pay" fraud prevention security features
- Produce non-cash settlement solutions, such as the issuance of warrants, common stock, preferred stock, coupons, discount/gift cards, vouchers, etc.
- Prepare tax returns to ensure compliance with all Federal and State requirements

\$250 BILLION

DISBURSED ANNUALLY

Meeting Clients' Needs

INDUSTRY EXPERTISE

We set a higher standard for class action administration services by focusing on clients' needs from the perspective of professionals. After years of pioneering innovative methods to save clients time and money, we offer cost-saving best practices for class action settlement administration.

PROFESSIONAL-LEVEL CLIENT SERVICE

The KCC team goes above and beyond to ensure that clients successfully navigate the settlement administration process. Each client is assigned a team of experienced consultants, specialists and technology experts who serve as knowledgeable, reliable and accessible partners that have earned a reputation for exceeding clients' expectations.

INDUSTRY-LEADING TECHNOLOGY

Designed to meet the specific needs and complexities of today's class action settlements, our industry-leading technology platform, KCC InSite, has the flexibility to support the diverse needs of class action or litigation matters regardless of type, complexity or size. Our team has established first-to-market technology innovations that facilitate secured and cost effective, end-to-end settlement administration. KCC's proprietary technology and processes adhere to the auditing standards outlined in AT Section 101.

RANKED AS A TOP CLAIMS ADMINISTRATOR

BY THE *NEW YORK LAW JOURNAL*

Reach Us

800-211-5201 | classaction@kccllc.com | kccllc.com

 [@KCC_ClassAction](https://twitter.com/KCC_ClassAction)

 [linkedin.com/company/kurtzman-carson-consultants-llc](https://www.linkedin.com/company/kurtzman-carson-consultants-llc)

KCC. EXPECT MORE.



Consumer Case Experience

Class Action Services

As a premier class action administrator, KCC partners with legal professionals to ensure successful implementation of consumer class action settlements. KCC's capacity, data-security measures and distribution processes can handle settlements of any size and complexity.

Our experienced consumer services team has administered hundreds of cases, including a high-profile product liability case that involved 28 million class members. Our legal notice experts develop defensible media campaigns and notice methods tailored for each case's specific needs. They ensure notice programs are compliant with Federal and State rules and regulations and offer expert testimony on the effectiveness of legal notice programs.

Through cost-saving innovations—including a patented double-postcard check, online claims filing, and QR (quick response) codes—KCC partners with clients to reduce administration costs.

As the only claims administrator to adhere to the auditing standards outlined in AT Section 101, KCC's proprietary technology and data-handling processes set the industry standard for security, cost efficiency and quality. Our class-leading, data-security protocols involve enterprise risk management and data-theft prevention devised to ensure the utmost in data integrity.

KCC's domestic infrastructure, the largest in the industry, includes a 900-seat call center and production facilities capable of handling hundreds of millions of documents annually. Last year, our disbursement services team distributed \$500 billion to payees.

We offer competitive pricing for solutions to reach class members including case-specific websites, live operator support hotlines, IVRs, and distributions via checks, vouchers, coupons and electronic transfers.

Representative Case Experience

CASE NAME	DOCKET NUMBER	COURT
Bayhille v. Jiffy Lube Int'l.	CJ-2002-352	Cherokee Cty. Dist. Ct., Okla.
Benware v. Hugo Boss, U.S.A.	12-CV-01527	S.D. Cal.
Berry v. Jackson Nat'l Life Ins. Co.	D0101CV-2000-2603	Santa Fe County Dist. Ct., N.M.
Bowers v. Windstream Kentucky East, LLC, et al.	09 CV-440	W.D. Ky.
Cassese v. Washington Mut., Inc.	05-CV-02724	E.D.N.Y.
Chamberlain v. Ford Motor Co.	03-CV-02628	N.D. Cal.
Clemans v. New Werner Co.	12-CV-5186	W.D. Wash.
Edell v. Bank of America	C-20010051	Pima County Super. Ct., Ariz.
Enfield v. Old Line Life Ins.	D-202-CV-200101367	Albuquerque County Dist. Ct., N.M.
Fraser v. Asus Computer International, et al.	12-CV-00652	N.D. Cal.
Grider v. Compaq Computer Corp.	CJ-03-969L	Cleveland County Dist. Ct., Okla.
Nack v. Reed Elsevier	13-CV-1147	Circuit Ct, 19th Judicial Dist, IL
In re Nissan Radiator/Transmission Cooler Litig.	10-CV-07493	S.D.N.Y.
The NVIDIA GPU Litig.	08-CV-04312	N.D. Cal.
Raab v. Waddell and The Indiana Bureau of Motor Vehicles	49D12-1303-PL-008769	Marion County Superior Court, State of Ind.
Robles v. Lucky Brand Dungarees, Inc.	10-CV-04846	N.D. Cal.
Shames v. The Hertz Corp.	07-CV-02174	S.D. Cal.
Stroud v. eMachines, Inc.	CJ-03-968-L	Cleveland County Dist. Ct., Okla.
Wise v. Energy Plus Holdings LLC	11-CV-7345	S.D.N.Y.
Zeisel v. Diamond Foods, Inc.	10-CV-01192	N.D. Cal.

KCC offers cost advantages, industry expertise and secure data management for Consumer class action settlements. To learn more, please email classaction@kccllc.com or call 866.381.9100.

